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EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/862,865

Applicant(s)

COUPLAND ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/17/03 have been fully considered but they are not persuasive.

The following response to arguments relate to claims 1-3, 5-8, and 10-13 rejected under 35 U.S.C. 102(b) as being anticipated by Flake U.S. Patent No. 5,832,451.

The Applicant argues that Flake fails to disclose a reservation data system interface receiving reservation data and update data from two or more reservation systems; and a master reservation system coupled to the reservation data system, the master reservation system receiving the reservation data and storing the reservation data in a database, the master reservation system receiving the update data and updating the database with the update.

The Applicant further argues that Flake does not maintain reservation inventory information. The Examiner notes, Flake does disclose a system wherein inventory information is provided via a computer reservation system **14** and is ultimately received for processing by system **10**. Even though the computer reservation system **14** is external to the system **10**, it is oriented to interact as a critical component of system **10**, as shown in Fig. 1. Furthermore, in response to applicant's argument that the references fails to maintain reservation inventory information, it is noted that the features upon which applicant relies are not commensurate with the scope of the claim(s). These

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claims were given the broadest reasonable interpretation in an effort to reduce the possibility that these claims, once issued, will be interpreted more broadly than is justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

In the instant application a master reservation system coupled to the reservation data system receives the reservation data and update data and stores the reservation data and update data in a database, such that a user interface system coupled to the master reservation system can receive reservation request data and providing updated reservation data in response to the reservation request data. The Examiner notes, this is functionally equivalent to the system as disclosed by Flake wherein a plurality of computer reservation systems **14** can be linked electronically with agency **12** via a communications processor **15**. In the preferred embodiment of Flake, the communications processor **15** is preferably a communications processor and file server data storage interface referred to herein as a travel information analysis (TIA) subsystem. Computer reservation system **14** provides travel service inventory information, such as airline flight, rail, hotel, limousine, and rental automobile availability and rates. TIA subsystem **15** functions as a communications interface and temporary data storage medium, between each of computer reservation systems **14** and system **10**. The Examiner further notes, the instant application's use of the word "coupled," which can be taken to mean something that joins or connects two things together; a link. In Flake the computer reservation system is indeed "coupled" to the system **10**.

The Applicant argues the Flake has nothing to do with sequence number data associated with update data. In the instant application sequence number data is used to insure updates are applied in the appropriate order. The Examiner notes, in flake (referring to Fig. 9), the system updates the customer's PNR with the most current travel arrangement information. Therefore the system is updated in sequence as changes or updates are presented.

The Applicant argues Flake fails to disclose any master reservation interface system coupled to the reservation data system interface and one of the reservation data systems. The Examiner notes, Flake does disclose TIA subsystem **15** which functions as a communications interface and a temporary data storage medium, between each of computer reservation systems **14** and system **10**. Preferably, the inventory information provided by computer reservation systems **14** is ultimately received for processing by system **10**.

The following response to arguments relate to claims 15-19 rejected under 35 U.S.C. 102(a) as being anticipated by Hotel Reservations Network.

The Applicant argues that HRN does not disclose a system wherein reservation data reflecting the current status of the property can be provided. The Examiner notes, HRN explicitly discloses a system where room availability status can be queried. HRN further provided the ability for a consumer to book a hotel room in minutes via its system; if room availability status were not available this system would be inoperable.

The Applicant further argues that HRN uses a static database that reflects a small number of rates and availability data that is updated infrequently or not at all. The Examiner notes, as stated in paragraph 4, the ability to shop and query room availability, and further make a reservation online with a confirmation in seconds would necessitate that availability data be current and up to date.

The following response to arguments relate to all claims rejected under 35 U.S.C. 103.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The Examiner notes, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the teachings of Hotel (chain modification data, distressed inventory data) as discussed above in order to have facilitated the development of an automated travel management information system incorporating all available customer reservation service information (Flake: column 2, lines 9-13). Further, it would

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have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the limitations of Hotel as discussed above in order to provide all of the available services at one time (at least column 1, lines 27-44).

The applicant further argues how do you combine a "static, infrequently-updated centralized database with a system that queries each individual computer reservation system of Flake." The Examiner notes, Flake is oriented to incorporate all available customer reservation service information into one database. An important technical advantage of Flake is that travel service information from a plurality of computer reservation systems is stored and readily available in a single database format.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, and 10-13 rejected under 35 U.S.C. 102(b) as being anticipated by Flake U.S. Patent No. 5,832,451.

Referring to claim 1. Flake discloses a system equivalent to a system for providing reservation data comprising (at least column 1, lines 5-9):

- A reservation data system interface receiving reservation data and update data from two or more reservation systems (at least column 1, lines 11-25);
- A master reservation system coupled to the reservation data system, the master reservation system receiving the reservation data and storing the reservation data in a database, the master reservation system receiving the update data and updating the database with the update data (at least column 2, lines 10-36); and
- A user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing

updated reservation data in response to the reservation request data (at least column 3, lines 16-34).

Referring to claim 2. Flake further discloses a system comprising a monitoring system coupled to the master reservation system, the monitoring system storing sequence number data associated with the update data (at least Fig. 10, i.e. Block 278).

Referring to claim 3. Flake further discloses a system comprising a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the update data from the reservation data system and transmitting the update data to reservation data system interface (at least column 2, lines 10-36).

Referring to claim 5-7. The system of claim 1 wherein the master reservation system further comprises

- A rate plan system receiving rate plan modification data and updating the database with the rate plan modification data (at least column 1, line 27 to column 2, line 6),
- A property system receiving property modification data and updating the database with the property modification data (at least column 1, line 27 to column 2, line 6), and
- A distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data (at least column 2, lines 9-36).

Referring to claim 8. Flake discloses a method equivalent to a method for providing reservation data comprising:

- Storing reservation data from two or more reservation data systems in a database (at least column 1, lines 11-25);
- Receiving status update data from one or more of the reservation data systems (at least column 1, lines 11-25, i.e. "Typically, in order to determine the availability of these services and make reservations, travel agents may access..."); and
- Updating the database with the status update data (at least column 13, lines 18-28).

Referring to claim 10. Flake further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing property data (at least column 1, line 27 to column 2, line 6).

Referring to claim 11. Flake further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing rate plan data (at least column 1, lines 27-44).

Referring to claim 12. Flake further discloses a method wherein receiving status update data from one or more of the reservation data systems comprises receiving room availability update data (at least column 3, lines 17-34).

Referring to claim 13. Flake further discloses a method wherein receiving status update data from one or more of the reservation data systems comprises receiving room price update data (at least column 3, lines 17-34).

Claims 15-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Hotel Reservations Network.

Referring to claim 15. Hotel discloses a method equivalent to a method for providing reservation data comprising:

- Storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database (at least page 1, paragraph 4);
- Receiving a request for reservation data for one or more of the properties (at least page 1, paragraph 4); and
- Providing reservation data reflecting the current status of the property (at least page 1, paragraph 4, i.e. "shop and query room availability").

Referring to claim 16. Hotel further discloses a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database further comprises updating the database with status update data (at least page 1, paragraph 4, i.e. "shop and query room availability").

Referring to claim 17. Hotel further discloses a method wherein updating the database with status update data further comprises storing a transaction sequence number (at least page 1, paragraph 3).

Referring to claim 18. Hotel further discloses a method wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory (at least page 1, paragraph 2, i.e.

“HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities.”).

Referring to claim 19. The method of claim 15 wherein receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data (at least page 2, paragraph 7, i.e. “HRN offers travelers discounts up to 65 percent off the regular rate at more than 500 properties”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake U.S. Patent No. 5,832,451, in view of Hotel Reservations Network.

Referring to claim 4. Flake discloses a system according to claim 1 as indicated supra. Flake does not expressly disclose a system wherein the master reservation system further comprises a chain system receiving chain modification data and updating the database with the chain modification data. Hotel discloses a system wherein the master reservation system further comprises a chain system receiving chain modification data and updating the database with the chain modification data (at least page 4, i.e. Best Western, Hilton, Hyatt, Ramada). At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to have modified the system of Flake to have included the teachings of Hotel (chain modification data) as discussed above in order to have facilitated the development of an automated travel management information system incorporating all available customer reservation service information (Flake: column 2, lines 9-13). Further, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the limitations of Hotel as discussed above in order to provide all of the available services at one time (at least column 1, lines 27-44).

Referring to claim 9. Flake discloses a method according to claim 8 as indicated supra. Flake does not expressly disclose a method wherein storing reservation data from two or more reservation data systems in a database comprises storing hotel chain data. Hotel discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing hotel chain data (at least page 4, i.e. Best Western, Hilton, Hyatt, Ramada). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the teachings of Hotel (hotel chain data) as discussed above in order to have facilitated the development of an automated travel management information system incorporating all available customer reservation service information (Flake: column 2, lines 9-13). Further, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the limitations of Hotel as discussed above in order to provide all of the available services at one time (at least column 1, lines 27-44).

Referring to claim 14. Flake discloses a method according to claim 8 as indicated supra. Flake does not expressly disclose receiving status update data from one or more of the reservation data systems comprise receiving distressed inventory data. Hotel discloses receiving status update data from one or more of the reservation data systems comprises receiving distressed inventory data (at least page 1, paragraph 2, i.e. "HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the teachings of Hotel as discussed above in order to have incorporate all available customer reservation service information into one database, including customer preference information (Flake: column 2, lines 9-13).

Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hotel Reservations Network in view of Flake U.S. Patent No. 5,832,451.

Referring to claim 20. Hotel discloses a method according to claim 15 as indicated supra. Hotel does not expressly discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data. Flake discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data (at least column 3, line 54 to column 4, line 3, i.e. "negotiated discount rate information"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Hotel to have included the teachings of Flake as discussed above

in order to become one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities (Hotel: paragraph 3).

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake U.S. Patent No. 5,832,451 in view of Feldman U.S. Patent No. 5,832,452.

Referring to claim 21. Flake discloses a system according to claim 1 as indicated supra. Flake further discloses wherein the reservation data includes room availability data for each of the available rooms at each property managed by each of the two or more reservation systems (at least claim 2). Flake does not expressly disclose where the update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at that property and which have since become unavailable. Feldman discloses where the update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at that property and which have since become unavailable (at least column 4, line 55 to column 5, line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to have included the teachings of Feldman as discussed above in order to incorporate all available customer reservation service information into one database, including customer preference information (Flake: column 2, lines 9-13).

Referring to claim 22. Flake discloses a system according to claim 1 as indicated supra. Flake further discloses a system comprising:

- A master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the update data from the reservation data system and transmitting the update data to reservation data system interface; and
- Wherein the master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system.

Flake does not expressly disclose a system comprising:

- A status update system providing status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system.

Feldman discloses a system comprising:

- A status update system providing status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system (Feldman: at least Claim 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Flake to include the teachings of Feldman as discussed above in order to incorporate all available

customer reservation service information into one database, including customer preference information (Flake: column 2, lines 9-13).

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotel Reservations Network in view of Feldman U.S. Patent No. 5,832,452.

Referring to claims 23-25. Hotel discloses a method according to claim 15 as indicated supra. Hotel further discloses a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises:

- Receiving status update data at a local property reservation system when a room at a property has been reserved; and
- Transmitting the status update data to the database.

Hotel does not expressly disclose a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises:

- Updating a central database to decrease the number of available rooms for the property.
- Updating a central database to change the rate plan for each of the rooms for the property.
- Updating a central database to change the distribution channel data for each of two or more properties in the hotel chain.

Feldman discloses a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises:

- Updating a central database to decrease the number of available rooms for the property (Feldman: at least claim 1).
- Updating a central database to change the rate plan for each of the rooms for the property (Feldman: at least claim 1).
- Updating a central database to change the distribution channel data for each of two or more properties in the hotel chain (Feldman: at least claim 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Hotel to have included the teachings of Feldman as discussed above in order to become one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities (Hotel: paragraph 3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

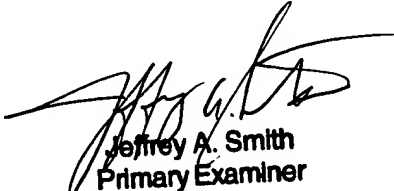
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

February 28, 2003



Jeffrey A. Smith
Primary Examiner